

JUSTICE OF THE PEACE

JOB DESCRIPTION

(This description is not all inclusive and is only intended to provide general guidance.)

BASIC REQUIREMENTS

Justices of the Peace normally work five 8-hour shifts (with a lunch break) each week, including nights, weekends and holidays (but many may work more, as is required to cover courts). Shifts are normally 8:00 a.m. to 4:00 p.m., 4:00 p.m. to midnight, or midnight to 8:00 a.m. Not all courts are open for all shifts. A Justice of the Peace may be assigned to any court in their county of residence. They are expected to exhibit judicial demeanor and to wear robes in the courtroom.

Justices of the Peace are required to comply with The Delaware Judges' Code of Judicial Conduct, which is a strict code of ethics and includes a prohibition against the appearance of impropriety (as well as any actual impropriety) and prohibits political activity, including campaign contributions.

All Justices of the Peace are appointed for a term of four years subject to reappointment to additional six year terms. The reappointment process is determined by the Governor and the Magistrate Screening Committee and usually consists of reapplying for the position, passing a Screening Committee interview and again being appointed by the Governor and confirmed by the Senate.

PROFESSIONALISM

Justices of the Peace may need to become familiar with court policy, which is found in the more than 200 written **Policy Directives**. There are also more than **250 Legal Memoranda** providing guidance on legal issues. A Justice of the Peace also needs to learn various areas of law and procedures, including **Constitutional Law** (DE & U.S.), **Delaware statutory law**, **case law** (the written decisions of higher courts on matters heard in JP Court), the **Delaware Rules of Evidence**, and the **Justice of the Peace Rules**.

New Justices of the Peace are expected to complete a **Beginning Legal Education program** (BLE) which consists of at least 6 weeks of Criminal Court Instruction and courtroom monitoring and at least 5 weeks of Civil Court instruction and courtroom monitoring. All Justices of the Peace are expected to participate in **Continuing Legal Education** (CLE), which is offered at various times throughout the year in seminars, classes and conferences.

CRIMINAL JURISDICTION

Justices of the Peace have authority to **issue criminal warrants** on all criminal charges (from First Degree Murder to Dogs Running at Large) and search warrants, after determining that probable cause exists. They also process traffic summonses.

Justices of the Peace **arraign** (arraignments include explaining constitutional rights, statutory rights and taking pleas) defendants on all charges under their jurisdiction, except for mail-in traffic tickets. They also **conduct presentments** (explain charges, defendant's rights and set bail according to bail guidelines and bond or commit to the Department of Corrections) on all charges under the jurisdiction of other courts.

Justices of the Peace can hold **trials** on all charges under their jurisdiction, which includes all traffic charges, except felonies, and most misdemeanors, some of which can have a maximum fine of thousands of dollars and/or a jail sentence up to one year. They also hear violations (fine up to \$1,000.00), and county and municipal ordinances, codes or regulations.

Justices of the Peace hold many special proceedings such as extradition hearings on fugitives from other states, contempt hearings on capiases (bench warrants) issued by the JP Court, bail hearings on capiases from other courts, violation of probation hearings on JP court cases, and non-compliance hearings.

CIVIL JURISDICTION

Justices of the Peace hear all Landlord and Tenant cases, including those involving eviction, unpaid rent and damages. They also hear all Landlord and Tenant jury trials and appeals of Landlord and Tenant matters (which are to a panel of three Justices of the Peace).

Justices of the Peace can hear debt, trespass (recovery of damages to property), and replevin (return of property actions) actions when the amount claimed is \$15,000 or less. Civil cases require a knowledge of legal research and nearly always require a knowledge of legal writing (both a taught in BLE) as many civil decisions are written.